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CPA/1600

PTO/SB/29 (10-00)

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231Attorney Docket No.
of Prior Application

1059-007

First Named Inventor

Barry Libin

Examiner Name

Rose, S.

Group Art Unit

1614

Express Mail Label No.

EV208004145US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 224,781,
filed on January 4, 1999, entitled Method of Preventing an treating Mucosal and dermal conditions

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	14	-20* =		x \$ _____ =	\$ _____
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2	-3** =		x \$ _____ =	\$ _____
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	\$ _____
				BASIC FEE (37 CFR 1.16)	750.00
				Total of above Calculations =	750.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					375.00
* <i>Reissue claims in excess of 20 and over original patent.</i> ** <i>Reissue independent claims over original patent.</i>				TOTAL =	375.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. 08 - 1540a. ☒ Fees required under 37 CFR 1.16.b. ☐ Fees required under 37 CFR 1.17.c. ☒ Fees required under 37 CFR 1.18.8. ☒ A check in the amount of \$ 375.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months
(not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired _____*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☒ Other: Petition for Extension of Time with Check for \$55.00**NOTE:***The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.***14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below*(Insert Customer No. or Attach bar code label here)*

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15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print IType)

James V. Costigan

Signature

Registration No. (Attorney/Agent)

25,669

Date

January 6, 2003



Docket No.: 1059-007

IN THE UNITED STATES PATENT AND TRADEMARK
PATENT OPERATION

In re Application of:

Barry Libin

Serial No.: 09/224,781

Filed: January 4, 1999

For: METHOD OF PREVENTING AND TREATING MUCOSAL AND DERMAL
CONDITIONS

New York, NY 10036
January 6, 2003

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

This Amendment is being filed prior to examination of
the Request for a Continuing Prosecution Application. Kindly
amend the above identified application as follows:

IN THE CLAIMS

Kindly amend claims 1 and 27-30 as follows:

C1
1. (twice amended) A method of treating fungal infections, said
method comprising contacting the affected diseased sites with an
effective amount of a composition which comprises a combination
of triclosan and a cationic antimicrobial compound.

C2
27. (amended) A method of treating fungal infections as defined
in claim 1 wherein the cationic agent is selected from the group
consisting of chlorhexidine, cetylpyridium chloride, benzalkonium
chloride, benzethonium chloride, methylbenzethonium chloride and
domiphen bromide.

28. (amended) A method of treating fungal infections as defined
in claim 1 wherein the cationic agent is cetylpyridinium

25/c
K. Harman
1/30/04
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